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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules add the following new provisions to The Criminal Procedure Rules 2005:

- a new Part 21 (Initial details of prosecution case), in substitution for the existing Part 21 (Advance information in magistrates' courts), which revises and simplifies the rules about the early provision of details of the prosecution case. The new Part 21 applies unless the court otherwise directs, to allow for the gradual introduction of the arrangements with which it deals into all magistrates' courts and all categories of case. If the court disapplies the new rules, the rules in the old Part 21 will continue to apply.
- a new Part 37 (Trial and sentence in a magistrates' court), in substitution for the existing Part 37 (Summary trial) and Part 38 (Trial of children and young persons), which consolidates, revises and simplifies the rules about procedure at trial in magistrates' courts, including youth courts.
- a new Part 44 (Breach, revocation and amendment of community and other orders in a magistrates' court), in substitution for the existing Part 44 (Sentencing children and young persons). The rules about trial and sentence procedure in magistrates' courts now are all contained in the new Part 37. The new Part 44 rules therefore deal only with the procedures relating to community and other orders to which some of the old Part 38 and Part 44 rules applied.
- new rules in Part 2 (Understanding and applying the Rules) make transitional provision and explain when the new rules in Part 21, Part 37 and Part 44 will apply.

In addition, the following amendments are made:

- Part 2 (Understanding and applying the Rules) is amended to define the expression “justices' legal adviser”, used in the new Part 37 rules.
- Part 19 (Bail in magistrates' courts and the Crown Court) is amended to introduce into magistrates' courts a requirement for advance notice to be given of an application to vary the conditions of subsisting bail, including change of address: which is a requirement that applies already in the Crown Court. A new rule 19.25 is added, to introduce into magistrates' courts and the Crown Court a requirement for the defendant to give notice of the address at which he or she would reside if the court granted bail with a condition of residence, so as to help the court assess the suitability of the address proposed.
- The Arrangement of Rules is amended to accommodate the changes to Part titles made in this and previous amendments of The Criminal Procedure Rules 2005.

The changes made by these Rules come into force on 6th April 2009.